

**TOWN OF NORTH EAST
TOWN BOARD
REGULAR MEETING
NOVEMBER 14, 2019**

Councilmen present:

Supervisor Kaye
Councilman Merwin
Councilman Fedele
Councilman Kennan
Councilman Midwood

Councilmen absent:

Call to Order:

Supervisor Kaye called the meeting to order at 7:00 p.m. and followed with the Pledge of Allegiance.

Acceptance of Agenda:

Supervisor Kaye stated the presentation by Jon Arnason regarding the draft law for signs will not take place as Attorney Replansky is still working on the document. It will be on next month's agenda.

Additions to the agenda include the approval of the Climate Smart Task Force for the Town of North East; permission to sign the agreement with the County for the Municipal Innovation Grant; and a presentation by Drs. Vaidian and Johnson of the Dutchess County Department of Behavioral and Community Health on the opioid crisis.

On a motion made by Councilman Fedele, seconded by Councilman Kennan, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to accept the agenda as amended.

Public Comment on Agenda Items Only:

No public comment on agenda items.

Department and Committee Reports:

Police – Officer Rudin was present to review the October 2019 report. He indicated there were 33 incidents of which 15 were in the Village leading to two arrests and 18 were in the Town leading to three arrests. October of 2018 had a total of 41 incidents with three leading to arrests.

Highway – Superintendent Stevens mentioned the department is busy with tree work and equipment maintenance.

Assessor – No report.

Planning, Zoning, and Building Departments – A report was provided from each department.

Town Clerk – Clerk Cope provided her reports. She also mentioned Saturday is the opening day of hunting season.

Committee Activity – No reports.

Presentation by Jon Arnason to the Town Board of the Draft Law for Signs:

Presentation was removed from the agenda at the beginning of the meeting.

Permission to Sign the Agreement with the County for the Municipal Innovation Grant:

Supervisor Kaye stated the grant of \$327,000 is for the second phase of the garage project.

On a motion made by Councilman Kennan, seconded by Councilman Fedele, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to authorize Supervisor to sign the agreement the County in order to receive the Municipal Innovation Grant funds in the amount of \$327,000.

7:15 – Public Hearing for 2020 Budget:

On a motion made by Councilman Kennan, seconded by Councilman Merwin, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to open the public hearing at 7:16 p.m.

Supervisor Kaye asked for public comments on the budget for 2020.

There were no comments.

On a motion made by Councilman Fedele, seconded by Councilman Merwin, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to close the public hearing at 7:20 p.m.

Approval of the Climate Smart Task Force for the Town of North East:

Councilman Kennan stated that as part of the participation in the Climate Smart program, the State requires a task force to move actions forward. Initially, the Conservation Advisory Committee of the Town was acting in that capacity. This is a proposal to set up a stand-alone task force and will be focused on the Climate Smart activities of the Town and Village.

TOWN BOARD OF THE TOWN OF NORTH EAST

CSC TASK FORCE RESOLUTION FOR TOWN OF NORTH EAST

WHEREAS, the Town of North East (hereinafter " local government") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (CHG) emissions reductions required for climate stabilization will require substantial and sustained efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come: and

WHEREAS, the State of New York has embarked on a Climate Smart Communities program to engage and enable local villages, towns and counties in NY State to take actions which collectively will help to reduce GHG emissions and mitigate the adverse effects of climate change; and

WHEREAS, the Town of North East and the Village of Millerton have each adopted the New York State Climate Smart Communities Pledge and have been designated as Registered NY State Climate Smart Communities; and

WHEREAS, the Town of North East had previously identified the Conservation Advisory Committee of the Town of North East to serve the CSC Task Force on behalf of both communities; and

WHEREAS, it would be desirable and more effective to create a stand-alone task force to focus all its activity on the CSC actions of the Town of North East and the Village of Millerton,

THEREFORE IT IS HEREBY RESOLVED, that the Town of North East, in order to participate fully in the Climate Smart Communities program of NY State, moves to establish a Climate Smart Communities Task Force, comprised of not less than one member of the Town Board of the Town of North East and one member of the Village of Millerton Board of Trustees, along with interested members of both communities, and

BE IT FURTHER RESOLVED, the Town Board of the Town of North East moves to appoint Kathy Chow to serve as Coordinator of the Town of North East CSC Task Force, and

BE IT FURTHER RESOLVED, the Town Board of the Town of North East will create a CSC Green Team, comprised of employees of the Town of North East and the Village of Millerton, to help to coordinate and implement actions taken by the Town of North East and the Village of Millerton as part of their CSC Pledge.

This motion was made by Councilman Kennan, seconded by Councilman Midwood, and was:

ADOPTED:

SUPERVISOR KAYE	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on November 14, 2019.

7:25 – Public Hearing on Comprehensive Plan:

On a motion made by Councilman Midwood, seconded by Councilman Kennan, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to open the public hearing at 7:24 p.m.

Supervisor Kaye asked for comments.

David Sherman reviewed various sections of the Plan and outlined numerous areas of concern regarding the language on how some items were stated and others seem incomplete.

Councilman Fedele stated there were many comments that should have been reviewed with the committee during their two-year task of drafting the Plan.

Dale Culver stated there were several public meetings moving forward with the Plan. The Plan makes zoning suggestions for the Town. The future zoning review will address the deficiencies.

KT Clune agreed and the information was available online to review.

Mary Lynn Kalogeras said there were several meetings and the issues should have been brought up sooner.

Meg Bertrand-Winkler asked if there is a timeline to get through the Plan.

Supervisor Kaye said the entire process is complete with this being the last step. There have been two and a half years of work, meetings, public hearings, and comments. There has been ample opportunity for everyone to have his or her say. It is difficult to consider all of the comments now.

Dale Culver said the zoning review to come would be able to update and amend areas outlined in the Plan.

Joshua Schultz said the static body of text is a guide.

Attorney Replansky stated the document will undergo review and revision. The zoning can't be inconsistent with the Plan. The next step, after adoption, is the second phase of revising the Town's zoning code. He asked Mr. Sherman to submit his comments in writing.

On a motion made by Councilman Merwin, seconded by Councilman Fedele, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to close the public hearing at 7:45 p.m.

Resolution to Adopt the Comprehensive Plan:

Attorney Replansky reviewed Part 2 of the Full Environmental Assessment Form for the adoption of the Comprehensive Plan. Part 3, Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance, is not required because there was no significant impact with the adoption of the Plan. This is a negative SEQRA declaration.

Clerk Cope read the resolution into the record.

TOWN BOARD OF THE TOWN OF NORTH EAST

RESOLUTION ISSUING A NEGATIVE SEQRA DECLARATION FOR THE ADOPTION OF THE TOWN/VILLAGE JOINT COMPREHENSIVE PLAN AND ADOPTING THE TOWN/VILLAGE JOINT COMPREHENSIVE PLAN

WHEREAS, the Town of North East Town Board and the Village of Millerton Village Board identified a need to review and update their existing Joint Comprehensive Plan (“Joint Comprehensive Plan”) to properly plan growth and development in the Village and the Town; and

WHEREAS, the Village Board and Town Board assigned the task of reviewing and preparing a draft Joint Comprehensive Plan to the joint Village of Millerton/Town of North East Comprehensive Plan Committee whose members were chosen by the Village Board and the Town Board; and

WHEREAS, Nan Stolzenburg d/b/a Community Planning and Environmental Associates provided the necessary planning and consulting services to the Committee in conjunction with the implementation of this project; and

WHEREAS, as a result of a joint cooperative effort between the Village Board and the Town Board, the Comprehensive Plan Committee drafted a proposed update to the Joint Comprehensive Plan (“Joint Comprehensive Plan Draft”), after soliciting input from the community via a survey, and the conduct of planning workshops, focus groups, public meetings and public hearings pursuant to the requirements of New York State Town Law §272-a and Village Law §7-722; and

WHEREAS, the Comprehensive Plan Committee has submitted a Draft Joint Comprehensive Plan to the Village Board and Town Board for the consideration of, and adoption by, each respective Board; and

WHEREAS, the adoption of a Comprehensive Plan pursuant to Village Law §722 and Town Law §272-a has been determined to be a Type I action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.4; and

WHEREAS, the proposed action will not require permits and approvals from any local, regional or State agencies, other than the Village Board and Town Board, prior to adoption of the plan and therefore a coordinated SEQRA review with any other agencies was not required; and

WHEREAS, the Draft Joint Comprehensive Plan has been referred to the Dutchess County Department of Planning and Development for an advisory opinion pursuant to GML §239-m; and

WHEREAS, Dutchess County Department of Planning and Development preliminarily reviewed the Comprehensive Plan and made certain suggestions for amendment thereto, which suggestions have been adopted and incorporated in the final version of the Joint Comprehensive Plan; and

WHEREAS, the Town Board determined that it was appropriate for both the Village Board and the Town Board to serve as co-lead agencies under SEQRA and the Town Board declared itself as co-lead agency and consented to the Village Board serving with the Town as co-lead agency for the environmental review of this action; and

WHEREAS, the Town Board with the assistance of its consultant planner and attorney prepared a Part 1 of a Full Environmental Assessment Form (EAF) pursuant to the requirements set forth in 6 NYCRR Part 617; and

WHEREAS, the EAF Part 1 was referred to the Dutchess County Department of Planning and Development with the Draft Comprehensive Plan; and

WHEREAS, the Town Board scheduled a public hearing on said Comprehensive Plan for November 14, 2019 at 7:25 p.m. at the North East Town Hall and provided notice of said public hearing as required by law; and

WHEREAS, the Town Board opened the public hearing on November 14, 2019 and closed the public hearing on said date; and

WHEREAS, the Town Board, after the close of the public hearing, completed its SEQRA review by completing Part 2 of the Full EAF and by adoption of Part 3 of the EAF, which included a narrative articulating the reasons supporting the Town Board's SEQRA determination; and

NOW, THEREFORE, be it RESOLVED as follows by the Town Board of the Town of North East:

1. That the adoption of the Joint Comprehensive Plan will result in no significant adverse impacts on the environment and, therefore, that an Environmental Impact Statement need not be prepared; and
2. That the Joint Comprehensive Plan and the appendices annexed thereto and made a part thereof is hereby adopted as the Joint Comprehensive Plan of the Town of North East and Village of Millerton;
3. That the Town Clerk shall file a final copy of the Town/Village Joint Comprehensive Plan with the Town of North East Town Clerk and the Village of Millerton Village Clerk and with the Dutchess County Department of Planning and Development, as required by §272-a of the Town Law;
4. That the Town Clerk shall publish notice of the Negative Declaration in the DEC Environmental Notice Bulletin as required by the SEQRA Regulations.

and

BE IT FURTHER RESOLVED, that the Joint Comprehensive Plan be dedicated to George Kaye, our Supervisor, in recognition of all the work and effort he has made in guiding the Comprehensive Plan project through completion.

This motion was made by Councilman Kennan, seconded by Councilman Merwin, and was:

ADOPTED BY ROLL CALL VOTE

SUPERVISOR KAYE	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on November 14, 2019.

Councilman Kennan expressed appreciation to the chairperson and members of the Committee for the work and detail in drafting the Comprehensive Plan.

Resolution to Adopt the 2020 Budget:

On a motion by Councilman Fedele, seconded by Councilman Merwin, the following was:

ADOPTED BY ROLL CALL VOTE:

SUPERVISOR KAYE	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

RESOLVED, to approve the budget for 2020.

Permission to Sign Contract with North East Community Center:

Supervisor Kaye stated this is an annual contract signed with the Center. It is in the amount of \$5,500 of which \$5,000 is for general programs and \$500 is for the Mobility Management and transportation program.

On a motion made by Councilman Fedele, seconded by Councilman Midwood, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to authorize Supervisor to sign the Town of North East-North East Community Council Recreation Hall and Social Services contract.

Resolution to Waive Marriage Fee for Active Military Personnel:

Clerk Cope reviewed the current licensing fee for marriage licenses. She stated other towns have waived the Town's portion of the fee for active military personnel.

RESOLUTION AUTHORIZING THE TOWN CLERK TO WAIVE THE FEE FOR A MARRIAGE LICENSE CERTIFICATE WHEN EITHER OF THE PARTIES MAKING APPLICATION FOR SUCH CERTIFICATE IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES ON ACTIVE DUTY

WHEREAS, the current license fee for a marriage license charged by the Town Clerk is \$40.00 with \$17.50 representing the Town's share of that fee and \$22.50 representing the State share of that fee; and

WHEREAS, Subdivision 3 of Section 14-a of the Domestic Relations Law has been amended by Chapter 297 of the Laws of 1963 to provide, in relevant part, that a Town may elect to waive the fee for a marriage certificate when either of the parties making application for such certificate is a member of the armed forces of the United States on active duty; and

WHEREAS, the Town Board has determined to waive such fee.

NOW, THEREFORE BE IT RESOLVED, that the Town Clerk is hereby directed to waive the Town's portion of the marriage certificate fee when either of the parties seeking application for such certificate is a member of the armed forces of the United States on active duty.

This motion was made by Councilman Merwin, seconded by Councilman Midwood, and was:

ADOPTED:

SUPERVISOR KAYE	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on November 14, 2019.

Permission for the Supervisor to Sign the NDP Contract for Ambulance Service:

Supervisor Kaye stated there is an addition to the contract, since the Town requires the provider to have an umbrella policy. The additional cost is covered by the provider, Northern Dutchess Paramedic (NDP), with the remainder being covered by the three towns of Dover, Amenia, and

North East. This was done late in the budget process, so there was no opportunity to add the additional cost as a formal item. The additional cost of \$8,156.00 will be taken from contingency.

On a motion made by Councilman Fedele, seconded by Councilman Midwood, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to authorize Supervisor to sign the NDP contract.

Permission to Issue an RFP for Green House Gas Emissions:

Councilman Kennan mentioned this is part of the Climate Smart program. The Town is a registered Climate Smart Community. Three actions have been embarked upon as a part of this program. There has been an evaluation of the road and stream crossings; a review of the Town's policies and plans; and an action to measure the greenhouse gas emissions of municipal vehicles, buildings, and equipment. This request for a proposal is to find a company to perform a greenhouse gas inventory on the government operations.

TOWN BOARD OF THE TOWN OF NORTH EAST

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR AND TOWN CLERK TO
ISSUE A REQUEST FOR PROPOSALS FOR GOVERNMENTAL OPERATIONS
GREENHOUSE GAS (GHG) INVENTORY GOVERNMENT OPERATIONS GHG
TARGET REDUCTION (INTERVAL) PLAN**

WHEREAS, the Town of North East and the Village of Millerton have both registered as Climate Smart Communities and have agreed to proceed together the Board's certification through the New York State DEC Climate Smart Communities Certification Program; and

WHEREAS, the Town of North East has received a 2018 New York State Consolidated Funding Application (CFA) Grant in a round of Climate Smart Communities (CSC) Certification Program Funding; and

WHEREAS, the Town's CSC Certification Program Grant proposes to achieve certain priority actions, including a Town and Village Government Operations (GHG) Emissions Inventory; and

WHEREAS, Town Board member Chris Kennan, together with the assistance of the Town Clerk has developed a Request for Proposal for Governmental Operations Greenhouse Gas (GHG) Inventory Government Operations GHG Target Reduction (Interval) Plan Government Operations Climate Action Plan; and

WHEREAS, the proposed RFP has been reviewed the Attorney to the Town, who has made certain comments and possible suggestions for change to the same, but the RFP is essentially completed in final form; and

WHEREAS, the RFP may be amended in accordance with the recommendations of the Attorney to the Town and the dates for compliance with the RFP need to be filled in and completed in the RFP before it is disseminated.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor and/or the Town Clerk to issue the RFP in the same, or substantially similar, form as may be amended.

This motion was made by Councilman Kennan, seconded by Councilman Midwood, and was:

ADOPTED:

SUPERVISOR KAYE	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on November 14, 2019.

Permission for the Supervisor to Sign the New Recreation Contract:

Supervisor Kaye mentioned the annual Town of North East and Village of Millerton Park/Recreation Program contract. It is in the sum of \$35,000 per year. This has been the same for many years.

On a motion made by Councilman Kennan, seconded by Councilman Merwin, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to authorize Supervisor to sign the Town of North East-Village of Millerton Park/Recreation Program contract.

Resolution to Authorize the List of Properties in the Town of North East Water District #1 with Unpaid Water Bills to be Sent to Dutchess County for Collection in the Amounts Listed by the Village of Millerton and Town of North East:

Supervisor Kaye mentioned the list of unpaid water bills within the Town's Water District #1.

On a motion made by Councilman Fedele, seconded by Councilman Merwin, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to approve the re-levy by Dutchess County for the unpaid water bills.

Presentation by Drs. Vaidian and Johnson of the Dutchess County Department of Behavioral and Community Health on the opioid crisis:

Dr. Vaidian spoke about the history of opioid use and the myths associated with the misuse of and dependency on opioids.

Dr. Johnson distributed information packets and reviewed the Stabilization Center and acute behavioral health services.

Presentation by John Penney, Chairperson, Dutchess County Complete Count Committee:

John Penney is in charge of outreach for the 2020 Census. He emphasized the importance of completing the census. Everyone should be counted as communities are affected by the population numbers. The citizenship question has been removed from the census. In March, 95% of us will get a form in the mail. The census workers will go out to the field in mid-April to capture information from those who did not respond.

Supervisor's Report:

Budget Adjustment – Supervisor Kaye presented Budget Adjustment #7 of 2019.

In A Fund – General Town-wide, there is an expense increase of \$220,800 less an expense decrease of \$120,000 less a revenue increase of \$100,800 for a net of \$0.

In B Fund – General Town Outside, there is an expense increase of \$1,200 less a revenue increase of \$1,200 for a net of \$0.

On a motion made by Councilman Fedele, seconded by Councilman Midwood, the following was

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to accept Budget Adjustment #7 of 2019.

Monthly Bills Abstract/Special Abstracts –

Supervisor Kaye presented Special Abstract, dated October 22, 2019, totaling \$9,057.60 broken down as follows:

A Fund -	\$3,327.21
DB Fund -	\$5,575.64
Payroll T&A -	\$154.75

On a motion made by Councilman Merwin, seconded by Councilman Kennan, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to approve Special Abstract, dated October 22, 2019, totaling \$9,057.60.

Supervisor Kaye presented Abstract, dated November 14, 2019, totaling \$406,070.99 broken down as follows:

A Fund -	\$277,790.87
B Fund -	\$20,196.40
DB Fund -	\$71,914.33
Capital Projects H1 -	\$17,471.21
Water District SW1 -	\$16,075.20
T&A2 Escrow -	\$2,468.23
Payroll T&A	\$154.75

On a motion made by Councilman Kennan, seconded by Councilman Fedele, the following was

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to accept Abstract, dated November 14, 2019, in the amount of \$406,070.99.

Voucher Committee for December 2019 –

The Voucher Committee for December 2019 is Councilmen Kennan and Midwood.

Approval of Minutes from Previous Meetings:

The Board reviewed the minutes of October 10, 2019. Supervisor Kaye mentioned a couple of typos to be corrected.

On a motion made by Councilman Midwood, seconded by Councilman Kennan, the following was

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to approve the minutes of October 10, 2019 as amended.

Meeting with Counsel:

General Legal Matters – Attorney Replansky stated there were no updates at this time.

General Comment Period:

Mary Lynn Kalogeras and Joan Binzen mentioned the Comprehensive Plan and the Greenway Compact and how they relate to the character of the community. The Town should follow the law and not stray.

Adjournment:

On a motion by Councilman Midwood, seconded by Councilman Merwin, the following was:

ADOPTED - AYES - 5 (Kaye, Merwin, Fedele, Kennan, Midwood)
NAYS - 0

RESOLVED, to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

/s/

Gail J. Wheeler
Town Clerk

Approved: 04/16/2020